IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 1039 of 2007

LRS OF LATE SHRI NAND LAL
V/S
A.C.J.(J.D.) NO.2,BHILWARA & ORS.

Mr. HIMANSHU MAHESHWARI, for the appellant / petitioner

Mr. DHANESH for Mr. RAVI BHANSALI, for the respondent

Date of Order : 8.8.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

By the impugned order, the learned trial court while allowing the addition of the name in the list of witnesses on cost has declined to issue process for summoning the witness. The impugned order was passed on 11.1.2007, and vide order dt. 13.3.2007 while issuing show cause notice it was directed that the petitioner's evidence shall not be closed only account of non-production of Sushil Bhandari. It is informed that thereafter the trial has progressed, and the petitioner's other evidence has been recorded.

In these circumstances, I think it appropriate to direct the learned trial court to summon the witness Sushil Bhandari at the petitioner's risk and process be issued,

and be given dasti to the petitioner to ensure presence of Sushil Bhandari. It is also clarified that if despite service Sushil Bhandari does not appear still no further opportunity shall be granted.

The writ petition is accordingly disposed of.

(N P GUPTA),J.

/sushil/